

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: W. Michael Kavanaugh et al.

Serial No.: 10/530,000 Group Art Unit: 1648

Filed: June 19, 2007 Examiner: Zachariah Lucas

For: ANTI-CANCER AND ANTI-INFECTIOUS DISEASE COMPOSITIONS
AND METHODS FOR USING SAME

RESPONSE TO NON-COMPLIANT AMENDMENT 37 C.F.R. §1.121

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated May 4, 2010, in which the Examiner issued a Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121 on May 14, 2010. The Examiner has alleged the amendment previously filed was non-compliant as it failed to meet the requirements of § 1.121. Under 37 C.F.R. § 1.121(h) the Applicant has one (1) month to submit only the corrected section of the non-compliant amendment, although the corrected section must be submitted in its entirety. Applicants submit the corrected section of “Amendments to the Claims” within the statutory one month period, thus making this a timely response. The Applicants submit that this corrected response includes text of claims previously submitted and includes no new matter. Hence, the incorporation of the “Amendments to the Claims” section into the previously submitted amendment is respectfully requested. Although no fee is believed due, the Commissioner is authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-4409.